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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-003

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

- a. In the provision of the bond deposit schedule which applies to violations of s. SFP 2.09, it appears that the word “unauthorized” should be inserted before “carrying.”
- b. In the last sentence of the analysis and in the bond deposit schedule relating to s. SFP 2.10 (2), the phrase “a RV” should be replaced by the phrase “an RV.”
- c. In the bond deposit schedule, all references to sections in the Administrative Code should be preceded by the notation “s.”

4. Adequacy of References to Related Statutes, Rules and Forms

- a. The analysis to the rule states that the changes in the rule “will bring the rule into conformity with current statutes and local ordinances.” The analysis should include citations to the specific statutes with which these changes bring the rule into conformity.
- b. In the provision of the bond deposit schedule which applies to violations of s. SFP 3.03 (5) (d), the citation in the description of the offense should be to s. SFP 3.03 (5) (d).

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. Item 2. of the analysis to the rule states that the current State Fair Park rules prohibit selling spray cans of paint to any person under 18 years of age. This item in the analysis should

be expanded to clarify that spray cans of paint may be sold to persons under 18 years of age under certain circumstances, specifically when the seller complies with the requirements set forth in the third sentence of s. SFP 2.07 (3).

b. The second sentence of the last paragraph of the analysis is somewhat confusing. It appears that this confusion could be alleviated by replacing “identified” with either “created” or “established.”

c. The use of the word “any” in s. SFP 7.02 is somewhat confusing because the bond deposit amounts each apply to a specific violation rather than to “any” violation. Perhaps, “any provision” could be replaced with “the provisions.”

d. In the provision of the bond deposit schedule which applies to violations of s. SFP 2.03 (1) and (3), the description of the offenses are somewhat vague and indistinguishable. Could they be rewritten to more clearly identify the offenses to which they refer?

e. In the provision of the bond deposit schedule which applies to violations of s. SFP 2.10 (5), it appears that “as” should be replaced by the word “an.”

f. In the provision of the bond deposit schedule which applies to violations of s. SFP 2.16 (3) (a), it appears that “possession” should be changed to “possessing,” in order to make that section parallel the grammar of the other offense descriptions in the bond deposit schedule. In addition, it appears that “drug” was inadvertently misspelled.

g. In the provision of the bond deposit schedule that applies to violations of s. SFP 2.17 (4), it appears that “of” should be changed to “or.”

h. In the provision of the bond deposit schedule that applies to violations of s. SFP 3.02 (2), it appears that the description should be rewritten to refer to speeding at 30 m.p.h. or less above the fixed speed limit. This change eliminates the appearance in the bond deposit schedule that a violation does not occur if a motorist is speeding at exactly 30 m.p.h. above the fixed speed limit.

i. In the provision of the bond deposit schedule that applies to violations of s. SFP 3.03 (5) (f), it appears that “parking” was inadvertently misspelled.

j. In the provision of the bond deposit schedule that applies to violations of s. SFP 3.03 (7), it appears that the second occurrence of “of” should be changed to “or.”